

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 2:09-CR-20549

Plaintiff,

HONORABLE DENISE PAGE HOOD

v.

M.J. R. STEVEN WHALEN

D-2 MOHAMAD ABDUL BASSIR, *et al.*,

Defendants.

/

DISCOVERY NOTICE

1. The attorneys for the government know that the following defendants made relevant **oral statements made in response to interrogation after arrest**, by a person then known to the defendant to be a government agent:

<u>Date</u>	<u>Defendant</u>	<u>Agent/Agency</u>
10/28/09	Abdullah Beard	FBI
10/28/09	Ali Raqib	FBI

2. The attorneys for the government have told defense counsel whether his/her client has a **prior criminal record**:

NO YES ✓

3. The following books, papers, documents, photographs and tangible objects are within the possession, custody or control of the government and are intended to be used as evidence in chief at trial, are known to the government to be material to the preparation of the defense, or were obtained from or belong to the defendant: items obtained from DPD following the eviction of the occupants from 4118 Joy Road in January 2009; items obtained during searches of 4118 Joy Road in January 2009 and July 2009; items (firearms, body armor, etc.) provided to sources; merchandise obtained from interstate shipments; items seized from searches of the residences of Luqman Abdullah and Muhammad Abdul Salaam; audiotapes and videotapes of merchandise transactions (ITSP conspiracy); certified copies of criminal convictions; recordings of consensually monitored conversations; recordings of conversations intercepted pursuant to Title III authority.

4. Results or reports of the following physical or mental examinations, or scientific tests or experiments, are within the possession, custody or control of the government, and are either intended to be used as evidence in chief at trial or are known to the government to be material to the preparation of the defense: test firing of firearms; fingerprint analysis of defendants (if necessary regarding criminal convictions); biological examination of samples taken from 4118 Joy Road; no others known at this time.
5. The government intends to introduce at trial testimony from one or more experts in the following areas of expertise: interstate nexus of firearms and ammunition seized from the defendants; tracing of firearms seized from the defendants; no others known at this time.
6. The government may introduce evidence obtained from execution of the following search warrants:

<u>Dates</u>	<u>Docket Numbers</u>	<u>Locations Searched</u>
1/15/09	2:09-mc-50048	4118 Joy Road, Detroit, Michigan
7/10/09	2:09-mc-50813	4118 Joy Road, Detroit, Michigan
9/9/09	2:09-mc-51025	5645 / 5651 Tireman, Detroit, Michigan
10/27/09	2:09-mc-51216	9278 Genessee Street, Detroit, Michigan
10/27/09	2:09-mc-51216	4467 Tireman Avenue, Detroit, Michigan

7. The government will introduce evidence obtained through wiretaps or other electronic surveillance, as listed below:
 - On January 16, 2009, the government obtained authority from the Honorable Bernard A. Friedman to intercept conversations occurring on the telephone of Mohammad Abdul Bassir, (313) 598-1357, and conversations were intercepted from January 19, 2009 through February 17, 2009. Conversations involving this defendant may have been intercepted. Judge Friedman also permitted the government to delay notice to the interceptees because of the investigation was ongoing and because of the considerable danger that notice would pose to the confidential human sources. Notices are being sent out at this time.
 - In addition, on January 16, 2009, authority was also granted to place listening devices inside 4118 Joy Road, and they were installed on January 19, 2009. However, only one of the listening devices was ever operational, and no conversations were intercepted on it.

- On July 24, 2009, the government obtained authority from the Honorable Bernard A. Friedman to intercept conversations occurring on the telephone of Luqman Ameen Abdullah, (313) 459-7869, and conversations were intercepted from July 25, 2009 through August 23, 2009. Additional authority to intercept was authorized on August 26, 2009, and conversations were once again intercepted from August 27, 2009 through September 25, 2009. Conversations involving other defendants and their associates were intercepted during that time period as well. Judge Friedman permitted the government to delay notice to the interceptees because investigation was ongoing and because of the considerable danger that notice would pose to the confidential human sources. Notices are being sent out at this time.
- There are numerous audiotapes, videotapes and consensually recorded conversations made concerning the undercover operation involving conspiracy to steal merchandise from interstate shipments valued at over \$5,000.
- In addition, there are hundreds of hours of consensually monitored and recorded conversations with FBI sources.
- The government is making arrangements to provide copies of all of the intercepted conversations and videotapes, whether obtained through court-ordered wiretap or by consensual interception, to attorneys for all of the defendants, under the terms of a protective order.

7. The government intends to offer evidence under Rule 404(b), Fed. R. Evid.
Yes No Unsure ✓

8. The attorney for the government is aware of the obligations imposed by *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny and will comply with their obligation to provide defense counsel with exculpatory evidence that is material to either guilt or to punishment in time for effective use at trial.

9. If the government discovers additional information of the type described in Paragraphs 1 through 8, it will advise defense counsel in writing.

10. Upon specific request, the government will make available for inspection or copying the items described in Paragraphs 1, 3 and 4; will furnish the record referred to in Paragraph 2; will provide a summary (which will include the witnesses' qualifications, opinions, and the bases and reasons for the opinions) of the anticipated testimony described in Paragraph 5 and will provide notice of the general nature of the evidence referred to in Paragraph 7. The government's compliance with any specific request will trigger the

defendants' duty to provide the reciprocal discovery denoted in Rule 16(b)(1)(A)-(C), Fed. R. Crim. P. If a defendant makes a general request for discovery the government will construe it as a request for each item described in Rule 16(a)(1) (A)-(E), Fed. R. Crim. P.. The government's compliance with a defendant's general requests will trigger that defendant's duty to provide reciprocal discovery of each item specified in Rule 16(b)(1)(A)-(C), Fed. R. Crim. P.

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December 1, 2009

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2009, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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